

AMENDMENTS TO LB 819

(Amendments to Final Reading copy)

Introduced by Mines, 18

1 1. Insert the following new sections:

2 Section 1. Section 81-885.07, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-885.07 (1) There is hereby created the State Real
5 Estate Commission which shall consist of the Secretary of State,
6 who shall be chairperson of the commission, and six members
7 appointed by the Governor. ~~Four~~ Three of the members of the
8 commission appointed by the Governor shall be active and licensed
9 real estate brokers who have engaged in the real estate business
10 as brokers or associate brokers for not less than five years,
11 which members shall be appointed by the Governor, one from each
12 of the ~~four~~ three congressional districts as the districts were
13 constituted on January 1, ~~1961~~ 2006. The remaining members shall
14 be appointed at large, one of whom shall be representative of
15 the public, ~~and~~ one of whom shall be a licensed real estate
16 salesperson who has engaged in the real estate business as a
17 salesperson for not less than three years, and one of whom shall be
18 an active and licensed real estate broker who has engaged in the
19 real estate business as a broker or associate broker for not less
20 than five years. The member representing the former congressional
21 district 1 on the effective date of this act shall represent
22 congressional district 1 for the balance of his or her term. The

1 member representing the former congressional district 2 on the
2 effective date of this act shall represent congressional district
3 2 for the balance of his or her term. The member representing the
4 former congressional district 3 on the effective date of this act
5 shall become an at-large member for the balance of his or her term.
6 The member representing the former congressional district 4 on the
7 effective date of this act shall represent congressional district 3
8 for the balance of his or her term.

9 (2) At the expiration of the term of any member of
10 the commission, the Governor shall appoint a successor for a
11 term of six years. Any appointed member shall be limited to
12 one six-year term, in addition to any partial term served. In
13 the event of a vacancy on the commission, the Governor shall
14 fill such vacancy by appointing a member to serve during the
15 unexpired term of the member whose office has become vacant. In
16 the absence of the chairperson, the senior member of the commission
17 in point of service present shall serve as presiding officer. Not
18 less than four members of the commission must be present at any
19 official meeting of the commission. The action of the majority
20 of the members of the commission shall be deemed the action of
21 the commission. No appointed person may act as a member of the
22 commission while holding any other elective or appointive state or
23 federal office.

24 (3) Each member of the commission shall receive as
25 compensation for each day actually spent on official duties at
26 scheduled meetings the sum of one hundred dollars and actual
27 and necessary expenses incurred in the performance of his or her

1 official duties.

2 (4) The commission shall employ a director who shall keep
3 a record of all the proceedings, transactions, communications, and
4 official acts of the commission, be custodian of all the records
5 of the commission, and perform such other duties as the commission
6 may require. The director shall call a meeting of the commission at
7 his or her discretion or upon the direction of the chairperson or
8 upon a written request of two or more members of the commission.
9 The commission may employ such other employees as may be necessary
10 to properly carry out the Nebraska Real Estate License Act, fix
11 the salaries of such employees, and make such other expenditures
12 as are necessary to properly carry out the act. The office of the
13 commission shall be maintained in Lincoln and all files, records,
14 and property of the commission shall remain in such office. Neither
15 the director nor any employee of the commission may be an officer
16 or paid employee of any real estate association or group of real
17 estate dealers or brokers.

18 (5) The commission may adopt and promulgate rules and
19 regulations relating to the administration of but not inconsistent
20 with the act.

21 (6) The commission may conduct or assist in conducting
22 real estate institutes and seminars and incur and pay the necessary
23 expenses in connection therewith, which institutes or seminars
24 shall be open to all licensees.

25 (7) The commission may charge reasonable fees for
26 services it renders, not to exceed the actual costs thereof, except
27 as otherwise provided in the act. The fees established by the

1 commission pursuant to the act shall be established at the level
2 necessary to meet expenditures of the commission as approved by the
3 Legislature and to provide a sufficient cash fund balance.

4 Sec. 2. Section 81-885.17, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 81-885.17 (1)(a) A nonresident of this state who is
7 actively engaged in the real estate business, who maintains a
8 place of business in his or her resident regulatory jurisdiction,
9 and who has been duly licensed in that regulatory jurisdiction
10 to conduct such business in that regulatory jurisdiction may, in
11 the discretion of the commission, be issued a nonresident broker's
12 license.

13 (b) A nonresident salesperson employed by a broker
14 holding a nonresident broker's license may, in the discretion
15 of the commission, be issued a nonresident salesperson's license
16 under such nonresident broker.

17 (c) A nonresident who becomes a resident of the State
18 of Nebraska and who holds a broker's or salesperson's license
19 in his or her prior resident regulatory jurisdiction shall be
20 issued a resident broker's or salesperson's license upon filing an
21 application, paying the applicable license fee, complying with the
22 criminal history record information check under subsection (4) of
23 this section, and filing the affidavit required by subsection (7)
24 of this section.

25 (2) Obtaining a nonresident broker's license shall
26 constitute sufficient contact with this state for the exercise of
27 personal jurisdiction over the licensee in any action arising out

1 of the licensee's activity in this state.

2 (3) Prior to the issuance of any license to any
3 nonresident, he or she shall file with the commission a duly
4 certified copy of the license issued to the applicant by the
5 resident regulatory jurisdiction and pay to the commission the
6 nonresident license fee as provided in section 81-885.14 for the
7 obtaining of a broker's or salesperson's license.

8 (4) An applicant for an original nonresident broker's
9 or salesperson's license shall be subject to fingerprinting and a
10 check of his or her criminal history record information maintained
11 by the Federal Bureau of Investigation through the Nebraska State
12 Patrol. Each applicant shall furnish to the Nebraska State Patrol
13 a full set of fingerprints to enable a criminal background
14 investigation to be conducted. The applicant shall request that
15 the Nebraska State Patrol submit the fingerprints to the Federal
16 Bureau of Investigation for a national criminal history record
17 check. The applicant shall pay the actual cost, if any, of the
18 fingerprinting and check of his or her criminal history record
19 information. The applicant shall authorize release of the national
20 criminal history record check to the commission. The criminal
21 history record information check shall be completed within ninety
22 days preceding the date the original application for a license is
23 received in the commission's office, and if not, the application
24 shall be returned to the applicant.

25 (5) Nothing in this section shall preclude the commission
26 from entering into reciprocal agreements with other regulatory
27 jurisdictions when such agreements are necessary to provide

1 Nebraska residents authority to secure licenses in other regulatory
2 jurisdictions.

3 (6) Nonresident licenses granted as provided in this
4 section shall remain in force for only as long as the requirements
5 of issuing and maintaining a license are met unless (a) suspended
6 or revoked by the commission for just cause or (b) lapsed for
7 failure to pay the annual renewal fee.

8 (7) Prior to the issuance of any license to a nonresident
9 applicant, an affidavit shall be filed by the applicant with
10 the commission certifying that the applicant has reviewed and
11 is familiar with the Nebraska Real Estate License Act and the
12 rules and regulations of the commission and agrees to be bound
13 by the act, rules, and regulations. Within ninety days after the
14 issuance of a license to a nonresident licensee, the licensee
15 shall provide to the commission adequate proof of completion
16 of a three-hour class approved by the commission specific to
17 the Nebraska Real Estate License Act and the law of agency
18 relationships enumerated in sections 76-2401 to 76-2430. If the
19 licensee fails to provide adequate proof of completion of the
20 approved class to the commission within the ninety-day period, the
21 director of the commission or his or her designee shall place the
22 license on inactive status and notify the licensee that he or she
23 must show cause why the license should not be revoked.

24 2. On page 1, strike beginning with "the" in line
25 1 through line 4 and insert "real estate; to amend sections
26 81-885.07, 81-885.17, and 81-885.20, Reissue Revised Statutes of
27 Nebraska; to change the membership of the State Real Estate

1 Commission to reflect the current congressional districts; to
2 change procedures relating to licenses; to change provisions
3 relating to the Nebraska Real Estate License Act; and to repeal the
4 original sections."

5 3. On page 2, line 20, strike "section" and insert
6 "sections 81-885.07, 81-885.17, and"; and in line 21 strike "is"
7 and insert "are".

8 4. Renumber the remaining sections accordingly.